

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TAMEKA WILSON,

Plaintiff,

Case No. 23-cv-282-pp

v.

EQUIFAX INFORMATION SERVICES, LLC  
and CAPITAL ONE NA,

Defendants.

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**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED  
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT’S MOTION TO  
DISMISS (DKT. NO. 6)**

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On June 13, 2023, defendant Capital One filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 6. The defendant argues that because the plaintiff cannot state a plausible claim that Capital One’s credit reporting was inaccurate, her claim fails as a matter of law. Dkt. No. 7 at 5.

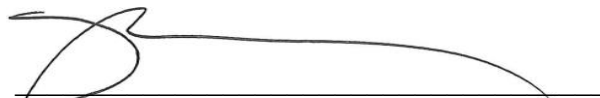
Under Civil Local Rule 7(b) (E.D. Wis.), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by July 5, 2023 (the twenty-first day actually falls on the July 4 holiday, so the court extends the response date to the next business day). The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi.

and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Federal Rule of Civil Procedure 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by July 5, 2023 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 20th day of June, 2023.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**